



December 9, 1993

FMLA-22

Dear **Name ***,

This is in response to your inquiry regarding certain provisions of the Family and Medical Leave Act of 1993 (FMLA). You inquire regarding the status of **Name *** as one employer or multiple, individual employers for purposes of coverage by FMLA.

Name * is a holding company consisting of five different divisions, which are decentralized. The five divisions employ 4,500 employees located throughout the United States. The five divisions are: **Name ***, **Name ***, **Name ***, **Name ***, and **Name ***. The only common management is the three top officers of the Company located in **Name ***. **Name *** owns all divisions and approves all financial goals.

Regulations 29 CFR Part 825.104(c) provides that, "normally the legal entity which employs the employee is the employer under FMLA. Applying this principle, a corporation is a single employer rather than its separate establishments or divisions." Consequently, **Name *** is a single employer for purposes of coverage based upon the information you provided and the provision of the regulation. An employee would be eligible for FMLA leave if the employee is employed at a worksite which has 50 or more employees at or within 75 miles of the worksite. The 50 employee count would include employees of any of the divisions of **Name ***.

Hopefully this has been responsive to your inquiry. Should you need further assistance please contact **Name ***, a member of my staff at (202) 219-8412.

Sincerely,

Maria Echaveste
Administrator

** Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. 552 (b)(7).*